

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

DIANE MURPHY,

Plaintiff,

v.

NO. 1:05cv443-W
Demand for Jury Trial

ADVANCE AMERICA CASH
ADVANCE CENTERS OF ALABAMA,

Defendant.

**DEFENDANT'S MOTION TO COMPEL PLAINTIFF'S ANSWERS TO
INTERROGATORIES AND PRODUCTION OF DOCUMENTS**

Defendant, Advance America Cash Advance Centers of Alabama, by its attorneys and pursuant to Fed. R. of Civ. P. 37, respectfully moves for an Order compelling Plaintiff to provide answers to Defendant's First Set of Interrogatories, and response and production in response to Defendant's First Request for Production of Documents, Writings and Things.

As more fully discussed in the Memorandum filed with the Court, on December 2, 2005, Defendant served its First Set of Interrogatories and First Request for Production of Documents, Writings and Things to Plaintiff. Pursuant to the Federal Rules of Civil Procedure, Plaintiff's responses to both the Interrogatories and Requests for Production were due on January 4, 2006. Despite oral and written requests from Defendant's counsel, Plaintiff's responses to the Interrogatories and Requests for Production remain overdue and have not been received by counsel for Defendant.

The grounds and authorities for this motion are set forth in the accompanying Memorandum.

WHEREFORE, Defendant requests that this Court:

- (A) Enter an Order compelling service of answers to Defendant's Interrogatories and a response to Defendant's Requests for Production; and
- (B) Grant Defendant its attorneys' fees and costs in connection with this Motion; and
- (C) Grant such other and further relief as is just and appropriate under the circumstances.

This the 21st day of March, 2006.

Respectfully submitted,

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By: /s/ James R. Mulroy, II
James R. Mulroy, II
Kelly S. Gooch

CERTIFICATE OF SERVICE

I hereby certify that I have this 21st day of March, 2006 electronically filed the foregoing **DEFENDANT'S MOTION TO COMPEL PLAINTIFF'S ANSWERS TO INTERROGATORIES AND PRODUCTION OF DOCUMENTS** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Kenneth F. Gray, Jr., Esq.
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/s/ James R. Mulroy, II